Application No.: 09/982,136 5 Docket No.: 03191/000J838-US0

## <u>REMARKS</u>

Claims 1-5 and 7-16 are pending in the application.

Claim 1 has been amended herein, so as to even more clearly set forth the features of the claimed invention. The amendment is fully supported by the specification and drawings and introduces no new matter in the application.

Claims 1-5, 7-8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardeman et al. (U.S. 5,267,488) in view of Machida et al. (U.S. 4,719,812). The rejection of claims 1-5 in particular is based on the Examiner's reading of claims 1-5 on a combination of selected features of Hardeman's "Drive Train Conversion Apparatus" and Machida's "Transmission Casing Including a Hydraulic Clutch".

To the extent that the Examiner has repeated her reading of claims 1-5 on the Hardeman/Machida combination from the previous Office Action of July 9, 2003 (Paper #9), applicants maintain their respectful disagreement with the Examiner's findings.

In addition to the arguments submitted previously, applicants respectfully take issue in particular with the Examiner's finding that "Hardeman et al. further discloses ... a clutch bell housing (28) ... and a carrier element (10)". First of all, Hardeman's element 28 is referred to, e.g., at col. 3, lines 50-51, as a "bell housing 28 enclosing a torque converter 30)", while the clutch in Hardeman et al. is actually located in the "adapter housing 10" (see for example col. 3, lines 37 ff.) which is described as having "...an open partial chamber 16 configured to house a clutch 12 and flywheel 18..." Thus, Hardeman's element 28 is definitely not "a clutch bell housing surrounding the clutch" as required by claim 1 of the present application. Also, Hardeman's element 10 cannot be compared to the carrier element of claim 1, because Figures 2 and 3 of the present application illustrate, and claim 1, as currently amended, specifically require a slab-shaped carrier element, i.e.,

the carrier element of claim 1 cannot be related to anything that contains a chamber configured to house a clutch and a flywheel. Where the Examiner writes that "The clutch release drive source and the clutch release device are both integrated in the carrier element", the Examiner is merely noticing that clutch release elements are accommodated inside Hardeman's clutch housing element 10, i.e., a totally conventional arrangement.

One could argue that, if Hardeman's adapter housing 10 could be compared to any element of claim 1, it would have to be the clutch bell housing. However, Hardeman's adapter housing 10 is not <u>directly</u> connected to the engine block as required by the amended claim 1. Furthermore, if Hardeman's adapter housing were equated to the carrier element, this would leave no other element in Hardeman that one could compare to the carrier element of claim 1.

As a result, applicants respectfully conclude that the Examiner's reading of claim 1, according to which:

Hardeman's element 28 = clutch bell housing of claim 1, and

Hardeman's element 10 = carrier element of claim 1,

does not stand up to a careful comparison between Hardeman et al. and claim 1 of the present application. To put it more succinctly, Haldeman lacks a clutch bell housing in the sense of claim 1 because Haldeman's "bell housing 28" is not "surrounding a clutch". Haldeman further lacks a carrier element in the sense of claim 1, because Haldeman's "adapter housing 10" is not slab-shaped like the carrier element of claim 1, and because Haldeman's "adapter housing 10" - having a chamber with a clutch and a flywheel - could only be compared to a clutch bell housing, which leaves nothing in Hardeman to be compared to the carrier element of claim 1.

The second reference that was cited in the rejection of claim 1, Machida et al. (U.S. 4,719,812), does not relate in any way to the issues of the clutch bell housing or the carrier element of claim 1. Applicants therefore respectfully submit that the cited

references Hardeman et al. (U.S. 5,267,488) and Machida et al. (U.S. 4,719,812) do not relate to claim 1 of the present invention in any way that would have made claim 1 obvious to a person skilled in the art at the time the invention was made.

Further, as stated in applicants' response to the previous office action of July 9, 2003, Hardeman et al. (U.S. 5,267,488) and Machida et al. (U.S. 4,719,812) are prime examples for exactly the kind of problem that the present invention aims to solve. (See page 2 of the specification: "Thus, a large number of components need to be arranged in the clutch bell housing, which leads to problems due to space limitations."). Hardeman alone already immensely increases the axial length of the power train. Machida at least requires more axial space than the solution proposed in the present invention. Thus, a skilled-in-the-art person looking for a solution to solve the "problems due to space limitations" as described in the present application would have no reason to consider Hardeman et al. or Machida et al., whether individually or in an combination, in order to solve those problems.

Finally, as discussed in the specification under "Object of the Invention" and "Summary of the Invention", the invention further aims to solve assembly and testing problems by integrating at least parts of the actuator device and/or the control device in a modular unit, which may include a carrier element. The fact that the invention proposes a concept of integrating certain parts of the actuator and/or control device in a modular unit to save space and to facilitate assembly and testing has now been incorporated in claim 1 (as amended herein) by reciting that at least portions of at least one of the clutch-actuator device and the control device are integrated (in the carrier element) so as to form a modular unit and thereby conserve space as well as facilitate assembly and testing.

Applicants respectfully assert that based on foregoing amendment and remarks, the rejection of claim 1 as being unpatentable over Hardeman et al. (U.S. 5,267,488) in view of Machida et al. (U.S. 4,719,812) should be withdrawn and, since there are no

Application No.: 09/982,136 8 Docket No.: 03191/000J838-US0

further grounds for rejection, claim 1 should be allowed. Furthermore, the rejections against dependent claims 2 to 5 and 7 to 16 should be considered a moot issue, as these claims should be allowed by virtue of their dependency on the presumably allowable independent claim 1.

Applicants respectfully submit that all issues of the Office Action of January 13, 2004 have been appropriately addressed by the foregoing Remarks. Allowance of the present application with claims 1 to 5 and 7 to 16 is hereby earnestly solicited.

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